

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 17-20042

v.

Honorable Nancy G. Edmunds

EDDIE MATTHEWS,

Defendant.

/

ORDER DENYING DEFENDANT'S "MOTION FOR NUNC PRO TUNC" [39]

This matter is before the Court on Defendant's "Motion for Nunc Pro Tunc" filed on March 8, 2019.¹ (Dkt. 39.) Defendant argues that he should receive credit towards his federal sentence for the ten months he spent in state custody as a parolee because the state did not revoke his parole.

It is the United States Attorney General through the Bureau of Prisons, however, not the sentencing court, that has the authority to compute sentencing credits. See *United States v. Wilson*, 503 U.S. 329, 335 (1992); *McClain v. Bureau of Prisons*, 9 F.3d 503, 505 (6th Cir. 1993). Defendant may challenge the Bureau's calculations, after the exhaustion of his administrative remedies, by filing a habeas corpus petition pursuant to 28 U.S.C. § 2241 in the district where he is confined. See *McClain*, 9 F.3d at 505.

For the foregoing reasons, Defendant's motion is DENIED.

¹ This "motion" was docketed as a letter.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: April 9, 2019

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 9, 2019, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager